

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

792788

PHELAN HALLINAN DIAMOND & JONES, PC

400 Fellowship Road, Suite 100

Mt. Laurel, NJ 08054

856-813-5500

Attorneys for U.S. BANK NATIONAL ASSOCIATION, AS

TRUSTEE FOR CREDIT SUISSE FIRST BOSTON

MORTGAGE ACCEPTANCE CORP., CSFB MORTGAGE-

BACKED PASS-THROUGH CERTIFICATES, SERIES 2005-11

In Re:

JOSEPH NELSON A/K/A JOSEPH R. NELSON



Order Filed on July 14, 2017 by
Clerk, U.S. Bankruptcy Court -
District of New Jersey

Case No: 17-18315 - SLM

Hearing Date: June 19, 2017

Judge: Stacey L. Meisel

Recommended Local Form:



Followed



Modified

ORDER RESOLVING MOTION TO VACATE STAY AND/OR MOTION TO DISMISS WITH CONDITIONSThe relief set forth on the following pages, numbered two (2) and three (3) is hereby **ORDERED**.**DATED: July 14, 2017**

A handwritten signature in cursive script that reads "Stacey L. Meisel".

Honorable Stacey L. Meisel
United States Bankruptcy Judge

Applicant: U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CREDIT
SUISSE FIRST BOSTON MORTGAGE ACCEPTANCE CORP., CSFB
MORTGAGE-BACKED PASS-THROUGH CERTIFICATES, SERIES 2005-
11

Applicant's Counsel: Phelan Hallinan Diamond & Jones, PC

Debtor's Counsel: WALTER NEALY, Esquire

Property Involved ("Collateral"): 232 ORANGE AVENUE, IRVINGTON, NJ 07111-2125

Relief sought: ☒ Motion for relief from the automatic stay
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for **1** month, **06/01/2017**.
- ☒ The Debtor is overdue for **1** payments at **\$2,154.86** per month.
- ☐ The Debtor is assessed for _____ late charges at \$_____ per month.
- ☐ Applicant acknowledges receipt of funds in the amount of \$_____ received after the motion was filed.

Total Arrearages Due \$2,154.86.

2. Debtor must cure all post-petition arrearages, as follows:

- ☒ Payment shall be made in the amount of **\$2,154.86**. Payment shall be made no later than **July 15, 2017**.
- ☒ Beginning on **July 1, 2017**, regular monthly mortgage payments shall continue to be made.
- ☐ Beginning on _____, additional monthly cure payments shall be made in the amount of \$_____ for _____ months.
- ☐ The amount of \$_____ shall be capitalized in the debtor's Chapter 13 plan. The debtor's monthly payment to the Chapter 13 Trustee is modified to be \$_____ per month.

3. Payments to the Secured Creditor shall be made to the following address(es):

☒ Immediate payment:

**Wells Fargo Home Mortgage
PO Box 14507
Des Moines, IA 50306**

☒ Regular Monthly payment:

Same as above

☐ Monthly cure payment:

4. In the event of Default:

☒ Should the Debtor fail to make any of the above captioned payments, or if any regular monthly mortgage payment commencing after the cure of the post petition delinquency is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ Should the Debtor fail to obtain a Loan Modification with Secured Creditor by August 18, 2017, U.S. Bank National Association, As Trustee For Credit Suisse First Boston Mortgage Acceptance Corp., CSFB Mortgage-Backed Pass-Through Certificates, Series 2005-11 shall be entitled to Relief from Stay as to the Debtor, and Prospective Relief as to Co-Debtor with no further application to the Court.

☒ In the event the Debtors converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtors shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification

shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

5. Award of Attorneys' Fees:

☐ The Applicant is awarded attorneys fees of \$_____, and costs of \$_____.

The fees and costs are payable:

☐ Through the Chapter 13 plan. These fees/costs shall be set up as a separate claim to be paid by the Standing Trustee and shall be paid as an administrative claim.

☐ to the Secured Creditor within _____ days.

☐ Attorneys' fees are not awarded.

6. This Agreed Order survives any loan modification agreed to and executed during the instant bankruptcy.

Certificate of Notice Page 5 of 5
United States Bankruptcy Court
District of New Jersey

In re:
Joseph R Nelson
Debtor

Case No. 17-18315-SLM
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Jul 14, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 16, 2017.

db +Joseph R Nelson, 710 Chesnut Steet, Roselle, NJ 07203-1948

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 16, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 14, 2017 at the address(es) listed below:

Alexandra T. Garcia on behalf of Creditor HSBC Bank USA, National Association as Trustee for
Opteum Mortgage Acceptance Corporation, Asset-Backed Pass-Through Certificates, Series 2005-5
NJECEMAIL@mwclaw.com
Denise E. Carlon on behalf of Creditor Toyota Lease Trust dcarlon@kmllawgroup.com,
bkgroup@kmllawgroup.com
Marie-Ann Greenberg magecf@magtrustee.com
Michael Frederick Dingerdisen on behalf of Creditor U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR CREDIT SUISSE FIRST BOSTON MORTGAGE ACCEPTANCE CORP., CSFB MORTGAGE-BACKED
PASS-THROUGH CERTIFICATES, SERIES 2005-11 nj.bkecf@fedphe.com
Nicholas V. Rogers on behalf of Creditor U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR
CREDIT SUISSE FIRST BOSTON MORTGAGE ACCEPTANCE CORP., CSFB MORTGAGE-BACKED PASS-THROUGH
CERTIFICATES, SERIES 2005-11 nj.bkecf@fedphe.com
U.S. Trustee. USTPRegion03.NE.ECF@usdoj.gov
Walter D. Nealy on behalf of Debtor Joseph R Nelson nealylaw@gmail.com,
r43366@notify.bestcase.com

TOTAL: 7